IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.505 of 2006

Sudhir Tansukh Ashar & ors. Petitioners
Vs.
Smt. Jayshree P. Madhwani & ors. Respondents

Mr.P.S.Dani for petitioners i/b. M/s. V.Deshpande & Co. for petitioners.

Mr.V.T.Lulia for resp.nos.1 to 4.

CORAM: B.H.MARLAPALLE, J.

May 03, 2007.

P.C.

. Heard Mr.Dani, the learned counsel for the petitioners. Interim Notice No.3552 of 2003 was taken out in RAD Suit No.1756 of 1998 and similarly Interim Notice No.5136 of 2004 in RAE & R. Suit No.420/608 of 2003. In both these notices it was prayed that trial of the respective suits be stayed pending the determination and finalisation of the title of ownership which is the subject matter of pending suit before this Court i.e. Suit No.6 of 2004.

. By the impugned order the notices came to be discharged by relying upon the order passed by this Court in Notice of Motion No.1346 of 2004 in Suit No.6 of 2004. Having regards to the order passed by

this Court and as relied upon in the impugned order, no case is made out to cause interference therein and the only thing the petitioners could have done is to take out appropriate motion in Suit No.6 of 2004 for modification of the order dated 22nd July 2005.

. Hence the petition is rejected subject to the liberty stated hereinabove. Ad-interim order to continue for a period of five weeks from today.

(B.H.MARL